

# **EXHIBIT 1**

**10. In paragraph 31 of the Complaint, you allege: "The actions of the . . . Defendants have therefore placed unreasonable and burdensome restrictions on the Plaintiff's freedom to travel, in violation of the United States Constitution." Identify any and all evidence to support this allegation, including the conduct and behavior to which you are referring.**

This paragraph refers to the conduct of the Reading Police Department on the night of the shooting and afterward. The police showed no interest at all in a black man who was the victim of a shooting. The Plaintiff was ignored and forced to wait for almost an hour before police even came to speak to him. There was no concern for his health, safety, or well-being. No effort was made to investigate the shooting. The bullets remaining in the Plaintiff's car were not removed as evidence. Only a brief 15-minute conversation occurred between the police and the Plaintiff. There was no follow-up investigation. Even after the Plaintiff spoke with the chief of police and was assured that a detective would be contacting him shortly, the Plaintiff was never contacted by the Reading Police Department.

The evidence of the restrictions on the Plaintiff's freedom to travel lies with the Plaintiff himself. He will testify as to the direct effect the conduct of the Defendants has had on his ability to travel in and about the City of Reading.

The Plaintiff has not completed the preparation of his case, and does not yet have all of his evidence available. As the Plaintiff acquires additional evidence on this issue, he will supplement his answer to this interrogatory.

## **EXHIBIT 2**

**11. In paragraph 37 of the Complaint, you allege: "Defendants have a policy of racial inequality that is indifferent to the Plaintiff's civil rights and liberties" and that "race or gender was a deciding factor in how the Plaintiff would be treated or mistreated." Identify any and all evidence to support this allegation, including: (1) the conduct and behavior to which you are referring; (2) the evidence upon which you base your allegations that Defendants have a policy of racial inequality; and (3) the evidence upon which you base your allegations that you were treated differently based upon race.**

This paragraph refers to the conduct of the Reading Police Department on the night of the shooting and afterward. The police showed no interest at all in a black man who was the victim of a shooting. The Plaintiff was ignored and forced to wait for almost an hour before police even came to speak to him. There was no concern for his health, safety, or well-being. No effort was made to investigate the shooting. The bullets remaining in the Plaintiff's car were not removed as evidence. Only a brief 15-minute conversation occurred between the police and the Plaintiff. There was no follow-up investigation. Even after the Plaintiff spoke with the chief of police and was assured that a detective would be contacting him shortly, the Plaintiff was never contacted by the Reading Police Department.

The Reading Eagle contains countless newspaper articles which describe the uncontrolled shootings in the City of Reading. Minorities are the victims of these shootings, and very few of the cases are ever solved. The treatment given to the Plaintiff by the police fits in with this pattern of not protecting blacks and other minorities who are victims of shootings. There is absolutely no doubt that the Plaintiff would have been entirely differently if he were a white man who was shot at while in his car. The police officers saw the color of the Plaintiff's skin, and the type of car he was driving, and immediately assumed that he was a drug dealer or a pimp. The Plaintiff's skin color definitely caused the police to make their false assumptions and to decide not to investigate the Plaintiff's case.

The Plaintiff has not completed the preparation of his case, and does not yet have all of his evidence available. As the Plaintiff acquires additional evidence on this issue, he will supplement his answer to this interrogatory.

## **EXHIBIT 3**

**U.S. District Court  
Middle District of Pennsylvania (Harrisburg)  
CIVIL DOCKET FOR CASE #: 1:02-cv-00191-CCC**

Rose v. York, County of, et al  
Assigned to: Judge Christopher C. Conner  
Referred to:  
Demand: \$0  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/06/02  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**  
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**James E. Rose, Jr.**

represented by **James E. Rose, Jr.**  
911 Barnsdale Road  
Allentown, PA 18103  
PRO SE

V.

**Defendant**  
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**York, County of, and its Agents,  
Lackeys, Employees, Snitches, Covert  
Operators and Anyone Acting In  
Concert With Them In An Official  
Police Capacity, Known and Unknown**

represented by **David S. Craun**  
York County Solicitor  
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*ATTORNEY TO BE NOTICED*

**Donald L. Reihart**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Detective Scott Rohrbaugh**

represented by **David S. Craun**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Donald L. Reihart**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

Filing Date	#	Docket Text
02/06/2002	<u>1</u>	COMPLAINT - N/C to pltf.; jury trial demanded. Receipt #: 111 135753 Amt: \$150.00 (jc) (Entered: 02/07/2002)
02/06/2002	<u>2</u>	STANDING PRACTICE ORDER by all Judges informing the parties to this action of their briefing and other responsibilities. (cc: pltf & defts) (jc) (Entered: 02/07/2002)
02/06/2002		SUMMONS ISSUED as to defendants. (jc) (Entered: 02/07/2002)
02/19/2002	<u>3</u>	MOTION by plaintiff James E. Rose Jr. to amend complt. ; C/S, Propo (pm) (Entered: 02/20/2002)
02/22/2002	<u>4</u>	ORDER by Judge Yvette Kane granting motion to amend complt. [3-1] (cc: all counsel, court) (jk) (Entered: 02/22/2002)
04/22/2002	<u>5</u>	RETURN OF SERVICE executed upon both defendants on 2/11/02 by hand delivery. (sc) (Entered: 04/23/2002)
04/22/2002	<u>6</u>	MOTION by pltf James E. Rose Jr. for default judgment against York County & Detective Scott Rohrbaugh ; with c/s and exhibits. (sc) (Entered: 04/23/2002)
04/25/2002	<u>7</u>	ORDER by Judge Yvette Kane IT IS ORDERED THAT defts shall show cause on or before 5/20/02 why this Court should not enter default against them. The Clerk of Court is directed to serve by registered mail a copy of this Order on Defendant County of York at the County's administrative offices, and on Defendant Rohrbaugh at York Police Headquarters. (cc: all counsel, Ct. & County of York and Rohrbaugh reg/mail) (jc) (Entered: 04/25/2002)
04/25/2002	<u>8</u>	AMENDMENT by plaintiff to motion for default judgment against York County & Detective Scott Rohrbaugh with exhs. attached and c of s. [6-1] (jc) (Entered: 04/26/2002)
05/01/2002	<u>9</u>	ACKNOWLEDGEMENT RECEIVED of Show Cause Order dated 5/1/02, sent certified mail to: York Cnty Admin Office, Scott Rohrbaugh. Date of Delivery: 4/29/02. (vg) (Entered: 05/02/2002)
05/03/2002	<u>10</u>	AMENDMENT by plaintiff James E. Rose Jr. to motion for default

		judgment against York County & Detective Scott Rohrbaugh [6-1]; with exh and c/s. (rb) (Entered: 05/06/2002)
05/09/2002	<u>11</u>	MOTION by defendants County of York, Detective Scott Rohrbaugh to refuse entry of dflt ; C/S. (vg) (Entered: 05/10/2002)
05/09/2002	<u>12</u>	AFFIDAVIT of David S. Craun, Esq., regarding motion to refuse entry of dflt [11-1] (vg) (Entered: 05/10/2002)
05/09/2002	<u>13</u>	MOTION by defendants County of York, Detective Scott Rohrbaugh to dismiss pltf's complt under FRCP 12(b)(1), (4) and (6) ; C/S. (vg) (Entered: 05/10/2002)
05/09/2002	<u>14</u>	BRIEF by defendants County of York, Detective Scott Rohrbaugh IN SUPPORT of motion to dismiss pltf's complt under FRCP 12(b)(1), (4) and (6) [13-1]; C/S. (vg) (Entered: 05/10/2002)
05/10/2002		SPECIAL ADMISSION FORM sent to attorney: David S. Craun (vg) (Entered: 05/10/2002)
06/10/2002	<u>15</u>	RESPONSE (captioned, "Answer") by plaintiff James E. Rose Jr. to mtn to dismiss complt; C/S. (vg) (Entered: 06/11/2002)
06/10/2002	<u>16</u>	BRIEF by plaintiff James E. Rose Jr. IN OPPOSITION to motion to dismiss pltf's complt under FRCP 12(b)(1), (4) and (6) [13-1]; reply brief due 6/24/02; C/S. (vg) (Entered: 06/11/2002)
06/11/2002	<u>17</u>	RESPONSE by plaintiff to mtn of Cnty of York and Scott Rohrbaugh to refuse entry of default; C/S (pm) (Entered: 06/12/2002)
09/17/2002	<u>18</u>	ORDER by Judge Yvette Kane Case reassigned to Judge Christopher C. Conner (cc: all counsel, court) (jk) (Entered: 09/17/2002)
10/17/2002	<u>19</u>	MEMORANDUM by Judge Conner re motion to dismiss pltf's complt under FRCP 12(b)(1), (4) and (6) [13-1]; Order to follow. (cc: all counsel, court) (ki) (Entered: 10/17/2002)
10/17/2002	<u>20</u>	ORDER - by Judge Christopher C. Conner: AND NOW, this 17th day of Oct., 2002, in accord. w/the accompanying memorandum of law, IT IS HEREBY ORDERED THAT defts.' motion to dismiss is GRANTED. The Clerk of Crt. is instructed to close the case file. [13-1] The Clerk of Crt. is instructed to close the case file. Case terminated (cc: all counsel, court & security) (ki) Modified on 10/23/2002 (Entered: 10/17/2002)
11/04/2002	<u>21</u>	NOTICE OF APPEAL by plaintiff from District Court memorandum and order filed 10/17/02 [19-1] [20-2] (Filing fee paid, TPO mailed to



		James E. Rose, Jr., e-mail w/attachments sent to USCA. (cc: Not/appl with info/ack letter to all counsel & Ct.) Receipt No. & Amt: 111 137528 \$105.00 (jc) (Entered: 11/05/2002)
11/05/2002	<u>22</u>	ACKNOWLEDGEMENT RECEIVED - from USCA of receipt on 11/5/02 of NOA. (jc) (Entered: 11/05/2002)
11/13/2002	<u>23</u>	CERTIFICATE of Service by Jennifer Miller on 11/8/02 of pltfs br in opp to mtn to dismiss complt. by reg mail (pm) (Entered: 11/14/2002)
11/13/2002	<u>24</u>	TRANSCRIPT PURCHASE ORDER: TPO filed by pro se plaintiff, James Rose. No order for transcript. (rb) (Entered: 11/14/2002)
11/15/2002	<u>25</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 02-4085. Judith Coates Judith_Coates@ca3.uscourts.gov, Case Manager. (jc) Modified on 11/15/2002 (Entered: 11/15/2002)
09/16/2003		Deleted Doc. #26 filed 9/15/2003. Hard copy of Opinion of USCA is Judge's copy. (vg, ) (Entered: 09/16/2003)
11/07/2003	<u>26</u>	CERTIFIED JUDGMENT of USCA in lieu of formal MANDATE as to <u>21</u> Notice of Appeal, filed by James E. Rose (Attachments: # <u>1</u> Mandate# <u>2</u> # <u>3</u> )(Acerba, Susan) (Entered: 11/07/2003)

PACER Service Center			
Transaction Receipt			
03/11/2004 11:17:01			
PACER Login:	mm0026	Client Code:	54348/36
Description:	Docket Report	Case Number:	1:02-cv-00191-CCC
Billable Pages:	2	Cost:	0.14

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:01-cv-00013-JW**

ROSE v. COUNTY OF LEHIGH, et al  
Assigned to: HONORABLE JAY C. WALDMAN  
Referred to:  
Demand: \$0  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 42:1983 Civil Rights Act

Date Filed: 01/02/01  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**  
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**JAMES E. ROSE**

V.

**Defendant**  
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**COUNTY OF LEHIGH**

represented by **MICHAEL J. BUTLER**  
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WALKER & RHOADS LLP  
123 S. BROAD ST  
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**THERESA RENTKO**

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*ATTORNEY TO BE NOTICED*

**DENNIS STECKEL**

represented by **MICHAEL J. BUTLER**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**WILLIAM P. BRIED**  
*TERMINATED: 01/11/2001*

**JESSICA LOWREY**

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**LEAD ATTORNEY**  
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**JOHN AND JANE DOE**

**BARBARA BUCHANAN**

represented by **EMIL W. KANTRA, II**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**JUDITH A. DEXTER, .**

represented by **CATHARINE M. ROSEBERRY**  
COUNTY OF LEHIGH, DEPT OF  
LAW  
17 SOUTH 7TH STREET  
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Fax : FAX 610-820-2093  
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**MICHAEL J. BUTLER**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Filing Date	#	Docket Text
01/02/2001	1	Complaint. Filing fee \$ 150.00 receipt # 2285 (er) (Entered: 01/02/2001)
01/02/2001		Summons issued. 5 originals forwarded to: Counsel 1/2/01 (er) (Entered: 01/02/2001)
01/02/2001		Demand for jury trial by PLAINTIFF JAMES E. ROSE. (er) (Entered: 01/02/2001)
01/02/2001		Special Case Management Track. (er) (Entered: 01/02/2001)
01/02/2001	2	MOTION BY PLAINTIFF JAMES E. ROSE FOR TEMPORARY INJUNCTION . (er) (Entered: 01/02/2001)
01/11/2001	3	Amended complaint by PLAINTIFF JAMES E. ROSE, amending complaint against BARBARA BUCHANAN, JUDITH A. DEXTER, Exhibits. (er) (Entered: 01/12/2001)
01/11/2001		Summons issued. 6 originals forwarded to: Counsel 1/11/01 (er)

		(Entered: 01/12/2001)
02/01/2001	4	Appearance of CATHARINE M. ROSEBERRY for DEFENDANT JUDITH A. DEXTER, Certificate of Service. (md) (Entered: 02/01/2001)
02/09/2001	5	MOTION by DEFENDANT JUDITH A. DEXTER . TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO F.R.C.P. 12b , CERTIFICATE OF SERVICE. (er) (Entered: 02/09/2001)
02/09/2001	6	Brief by DEFENDANT JUDITH A. DEXTER in support of MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO F.R.C.P. 12b. (er) (Entered: 02/09/2001)
02/14/2001	7	Answer by JESSICA LOWREY, BARBARA BUCHANAN with Affirmative Defenses to Amended Complaint, Certificate of Service. (fh) (Entered: 02/14/2001)
02/21/2001	8	Letter Dated 2/13/01 To: The Honorable Judge Jay C. Waldman From: James E. Rose, Jr., Affidavit of Service. RE: EMERGENCY STATUS (fh) Modified on 02/21/2001 (Entered: 02/21/2001)
02/26/2001	9	ORDER THAT PLAINTIFF'S REQUEST BY CORRESPONDENCE OF 2/13/01 FOR AN EXTENSION OF THIRTY DAYS TO RESPOND TO DEFENDANT DEXTER'S MOTION TO DISMISS IS GRANTED AND PLAINTIFF SHALL HAVE UNTIL 3/26/01 TO RESPOND TO DEFENDANT DEXTER'S MOTION. (SIGNED BY JUDGE JAY C. WALDMAN) 2/26/01 ENTERED AND COPIES MAILED. (fh) (Entered: 02/26/2001)
02/28/2001	10	5 Videocassette Exhibits by PLAINTIFF JAMES E. ROSE, certificate of service. (ky) (Entered: 02/28/2001)
03/01/2001	11	MOTION by DEFENDANT JESSICA LOWREY, DEFENDANT BARBARA BUCHANAN FOR SUMMARY JUDGMENT , MEMORANDUM, CERTIFICATE OF SERVICE. (fh) (Entered: 03/01/2001)
03/08/2001	12	Appearance of MICHAEL J. BUTLER for DEFENDANT COUNTY OF LEHIGH, DEFENDANT THERESA RENTKO, DEFENDANT DENNIS STECKEL, DEFENDANT JUDITH A. DEXTER, Certificate of Service. (fh) (Entered: 03/09/2001)
03/14/2001	13	Reply to Answer and Affirmative Defenses of Defendants Lowrey and Buchanan by PLAINTIFF JAMES E. ROSE, Certificate of Service. (er) (Entered: 03/14/2001)

03/14/2001	14	Brief by PLAINTIFF JAMES E. ROSE in opposition to MOTION FOR SUMMARY JUDGMENT, Certificate of Service, Exhibits. (er) (Entered: 03/14/2001)
03/22/2001	15	Brief by PLAINTIFF JAMES E. ROSE in opposition to MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO F.R.C.P. 12b, Certificate of Service, Exhibits. (er) (Entered: 03/22/2001)
04/26/2001	16	Proof of Service by PLAINTIFF JAMES E. ROSE. RE: Letters to Christopher Ferguson and Jessica Lang dated 4/23/01, and the copy of Mahala vs. Mahala, by Regular Mail. (fh) (Entered: 04/26/2001)
05/02/2001	17	Original summons returned with Affidavit of: Scott Hough re: served summons and complaint upon DEFENDANT COUNTY OF LEHIGH, DEFENDANT THERESA RENTKO, DEFENDANT DENNIS STECKEL. Served by: personal service on 4/30/01. (ky) (Entered: 05/02/2001)
05/04/2001	18	Original Summons returned with Affidavit of: Stanley J. Pascavage re: served summons and complaint upon DEFENDANT JESSICA LOWREY, DEFENDANT BARBARA BUCHANAN. Served by: Personal Service on 1/22/01. (ky) (Entered: 05/04/2001)
06/14/2001	19	MOTION by DEFENDANT COUNTY OF LEHIGH, DEFENDANT THERESA RENTKO, DEFENDANT DENNIS STECKEL TO DISMISS , MEMORANDUM, CERTIFICATE OF SERVICE. (fh) (Entered: 06/15/2001)
07/09/2001	20	Memorandum by PLAINTIFF JAMES E. ROSE in opposition to MOTION TO DISMISS, Certificate of Service. (er) (Entered: 07/09/2001)
07/19/2001	21	Brief by PLAINTIFF JAMES E. ROSE of Chronology of Events in Lehigh County Court of Common Pleas Showing Racial Discrimination Against James E. Rose, Jr. a Black Man and in Favor of Jessica Lowrey, a white Woman; Certificate of Service. (ky) (Entered: 07/19/2001)
09/14/2001	22	MEMORANDUM & ORDER THAT THE MOTION OF DEFENDANT DEXTER TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO F.R.C.P. 12b; THE MOTION OF DEFENDANTS COUNTY OF LEHIGH, RENTKO AND STECKEL'S DISMISS, THE MOTION OF DEFENDANTS LOWERY AND BUCHANAN FOR SUMMARY JUDGMENT ARE GRANTED AND THE ABOVE ACTION IS DISMISSED. (SIGNED BY JUDGE JAY C. WALDMAN) 9/14/01 ENTERED AND COPIES MAILED. (fh) (Entered: 09/14/2001)

09/14/2001		Case closed (kv) (Entered: 09/17/2001)
09/18/2001	23	Notice of appeal by PLAINTIFF JAMES E. ROSE. Fee Status: \$105.00 . Copies to: JUDGE JAY C. WALDMAN , Clerk USCA, Appeals Clerk, and MICHAEL J. BUTLER, CATHARINE M. ROSEBERRY, EMIL W. KANTRA II. (er) (Entered: 09/18/2001)
09/18/2001	24	Copy of Clerk's notice to USCA re: [23-1] appeal. (er) (Entered: 09/18/2001)
09/19/2001	25	ORDER THAT JUDGMENT IS ENTERED IN FAVOR OF DEFENDANTS COUNTY OF LEHIGH, THERESA RENTKO, DENNIS STECKEL, JESSICA LOWERY, BARBARA BUCHANAN, JUDITH A. DEXTER, JOHN DOE AND JANE DOE AND AGAINST PLAINTIFF JAMES E. ROSE. (SIGNED BY JUDGE JAY C. WALDMAN) 9/20/01 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS ON 9/19/01. (fh) (Entered: 09/20/2001)
09/25/2001	26	Copy of TPO form ref: Appeal filed on 9/18/01. (fh) (Entered: 09/25/2001)
09/26/2001		RECORD COMPLETE FOR PURPOSES OF APPEAL. (ke) (Entered: 09/26/2001)
09/28/2001		Notice of Docketing ROA from USCA Re: USCA NUMBER: 01-3633 . 9/27/01 (jl) (Entered: 09/28/2001)
10/05/2001		CERTIFIED AND TRANSMITTED RECORD ON APPEAL TO U.S. COURT OF APPEALS. (ke) (Entered: 10/05/2001)
06/21/2002	27	Certified copy of order from USCA dated 5/3/02 that the Judgment of THE DISTRICT COURT entered 9/20/01, be and the same is hereby affirmed. Costs taxed against the Appellant (jpd) (Entered: 06/24/2002)
06/21/2002		Record on appeal returned from U.S. Court of Appeals: forwarded to file room. (jpd) (Entered: 06/24/2002)

<b>PACER Service Center</b>
<b>Transaction Receipt</b>
03/11/2004 11:21:41

<b>PACER Login:</b>	mm0026	<b>Client Code:</b>	54348/36
<b>Description:</b>	Docket Report	<b>Case Number:</b>	2:01-cv-00013-JW
<b>Billable Pages:</b>	3	<b>Cost:</b>	0.21

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**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:97-cv-00926-RB**

ROSE v. BETHLEHEM POL. DEPT., et al  
Assigned to: HONORABLE RONALD L. BUCKWALTER  
Referred to:  
Demand: \$0  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 42:1981 Civil Rights

Date Filed: 02/07/97  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**  
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**JAMES E. ROSE**

represented by **W. THOMAS ANTHONY, JR.**  
451 MAIN STREET  
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(610) 691-7633  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**  
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**BETHLEHEM POLICE  
DEPARTMENT  
KEVIN SPANO**

Filing Date	#	Docket Text
02/07/1997	1	Complaint. Filing fee \$ 150.00. Receipt # 328. (er) (Entered: 02/07/1997)
02/07/1997		Summons issued. Forwarded two original copies to: Counsel 2/7/97. (er) (Entered: 02/07/1997)
02/07/1997		Standard Case Management Track. (er) (Entered: 02/07/1997)
02/07/1997		Demand for jury trial by PLAINTIFF JAMES E. ROSE. (er) (Entered: 02/07/1997)
09/23/1997	2	ORDER THAT THE MATTER IS HEREBY DISMISSED



		WITHOUT PREJUDICE PURSUANT TO RULE 4(M) OF THE FEDERAL RULES OF CIVIL PROCEDURE. ( SIGNED BY JUDGE RONALD L. BUCKWALTER ) 9/24/97 ENTERED AND COPIES MAILED. (sc) (Entered: 09/24/1997)
09/23/1997		Case closed (kv) (Entered: 09/25/1997)
10/03/1997	3	MOTION BY PLAINTIFF JAMES E. ROSE TO VACATE ORDER OF DISMISSAL AND SHOWING OF GOOD CAUSE . (er) (Entered: 10/03/1997)
11/14/1997	4	ORDER DENYING PLFF'S MOTION TO VACATE ORDER OF DISMISSAL FOR FAILURE TO SERVE OTHER PARTIES TO THIS LAWSUITE. ( SIGNED BY JUDGE RONALD L. BUCKWALTER ) 11/17/97 ENTERED AND COPIES MAILED. (sc) (Entered: 11/17/1997)

PACER Service Center			
Transaction Receipt			
03/11/2004 11:22:43			
PACER Login:	mm0026	Client Code:	54348/36
Description:	Docket Report	Case Number:	2:97-cv-00926-RB
Billable Pages:	1	Cost:	0.07

## **EXHIBIT 4**

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:02-cv-03842-LDD**

ROSE v. CITY OF ALLENTOWN et al  
Assigned to: HONORABLE LEGROME D. DAVIS  
Referred to:  
Demand: \$  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/18/02  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**  
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**JIMI ROSE**

represented by **JIMI ROSE**  
911 BARNSDALE ROAD  
ALLENTOWN, PA 18103  
PRO SE

**W. THOMAS ANTHONY, JR.**  
451 MAIN STREET  
BETHLEHEM, PA 18018  
(610) 691-7633  
*TERMINATED: 02/11/2004*  
*LEAD ATTORNEY*

**JOHN J. KELLER**  
(See above for address)  
*TERMINATED: 01/09/2004*

V.

**Defendant**  
-----

**CITY OF ALLENTOWN**

represented by **JAMES T. HUBER**  
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535 HAMILTON MALL STE 301  
ALLENTOWN, PA 18101  
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Fax : 610-435-1238  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**ZONING HEARING BOARD OF  
THE CITY OF ALLENTOWN**

represented by **JAMES T. HUBER**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Filing Date	#	Docket Text
06/18/2002	1	COMPLAINT against all defendants (filing fee \$ 150 receipt number 3199), filed by JIMI ROSE [pla].(er, ) (Entered: 06/19/2002)
06/18/2002		Summons Issued as to CITY OF ALLENTOWN [dft], ZONING HEARING BOARD OF THE CITY OF ALLENTOWN [dft], 2 originals mailed to Jimi Rose. (er, ) (Entered: 06/19/2002)
06/18/2002		DEMAND for Trial by Jury by JIMI ROSE [pla]. (er, ) (Entered: 06/19/2002)
06/25/2002	2	SUMMONS Returned Executed by W. Thomas Anthony upon DEFENDANT CITY OF ALLENTOWN and DEFENDANT ZONING HEARING BOARD OF THE CITY OF ALLENTOWN served by personal service on 6/25/2002, answer due 7/15/2002. (ky, ) (Entered: 07/01/2002)
07/12/2002	3	Preacipe of Appearance by JAMES T. HUBER [] on behalf of CITY OF ALLENTOWN [dft], ZONING HEARING BOARD OF THE CITY OF ALLENTOWN [dft] with Jury Demand (er, ) (Entered: 07/12/2002)
07/12/2002	4	MOTION to Dismiss filed by CITY OF ALLENTOWN [dft], ZONING HEARING BOARD OF THE CITY OF ALLENTOWN [dft]. (er, ) (Entered: 07/12/2002)
07/12/2002	5	Memorandum in Support of MOTION to Dismiss filed by CITY OF ALLENTOWN [dft], ZONING HEARING BOARD OF THE CITY OF ALLENTOWN [dft]. (er, ) (Entered: 07/12/2002)
07/12/2002	6	CERTIFICATE OF SERVICE by CITY OF ALLENTOWN [dft], ZONING HEARING BOARD OF THE CITY OF ALLENTOWN [dft] re [4] MOTION to Dismiss, [5] Memorandum, mailed to to Jimi Rose [pla]. (er, ) (Entered: 07/12/2002)
07/31/2002	7	Memorandum of Law in Opposition to DEFENDANTS' MOTION to Dismiss filed by JIMI ROSE [pla], Certificate of Service. (ky, ) (Entered: 08/01/2002)
08/01/2002	8	MOTION TO WITHDRAW ALLEGATIONS OF INCIDENTS WHICH OCCURRED PRIOR TO JUNE 18, 2000 filed by JIMI ROSE [pla], Certificate of Service. (ky, ) (Entered: 08/01/2002)
08/05/2002	9	Addendum to his Memorandum of Law in Opposition o Motion to Dismiss by JIMI ROSE [pla]. Certificate of Service. (er, ) (Entered: 08/05/2002)

		08/05/2002)
08/06/2002	10	ANSWER TO PLAINTIFF'S MOTION TO WITHDRAW ALLEGATIONS OF INCIDENTS WHICH OCCURRED PRIOR TO 6/18/02 filed by CITY OF ALLENTOWN [dft], ZONING HEARING BOARD OF THE CITY OF ALLENTOWN [dft], Memorandum, Certificate of Service. (er, ) (Entered: 08/07/2002)
11/05/2002	<u>11</u>	ORDER THAT DEFENDANTS, CITY OF ALLENTOWN AND THE ZONING HEARING BOARD OF THE CITY OF ALLENTOWN'S MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(1) AND 12(b)(6) IS DENIED. IT IS FURTHER ORDERED THAT THE PLAINTIFF, JIMI ROSE'S MOTION TO WITHDRAW ALLEGATIONS OF INCIDENTS WHICH OCCURRED PRIOR TO 6/18/00 IS GRANTED.SIGNED BY JUDGE LEGROME D. DAVIS ON 11/5/02.11/6/02 ENTERED AND COPIES MAILED AND COPY FAXED BY CHAMBERS ON 11/5/02. (cdd, ) (Entered: 11/06/2002)
11/21/2002	12	ANSWER TO COMPLAINT WITH AFFIRMATIVE DEFENSES, JURY DEMAND, BY DEFENDANT CITY OF ALLENTOWN, DEFENDANT ZONING HEARING BOARD OF THE CITY OF ALLENTOWN.(ky, ) (Entered: 11/21/2002)
11/21/2002		Issue Joined. (ky, ) (Entered: 11/21/2002)
11/26/2002	<u>13</u>	NOTICE of Hearing: Conference set for 1/7/2003 02:00 PM in Judge's Chambers before HONORABLE LEGROME D. DAVIS. (jjw, ) (Entered: 11/26/2002)
12/12/2002	14	Response Answer to Affirmative Defenses by PLAINTIFF JIMI ROSE, Certificate of Service. (ky, ) (Entered: 12/12/2002)
12/16/2002	15	EXHIBITS by JIMI ROSE. (ky, ) (Entered: 12/17/2002)
01/02/2003	16	EXHIBITS and LETTERS by JIMI ROSE. (ky, ) (Entered: 01/02/2003)
01/09/2003	<u>17</u>	SCHEDULING ORDER THAT ALL DISCOVERY SHALL BE COMPLETED BY 5/7/03; DISPOSITIVE MOTIONS SHALL BE FILED BY 6/9/03; RESPONSES TO DISPOSITIVE MOTIONS SHALL BE FILED BY 7/7/03, AND A FINAL PRETRIAL CONFERENCE WILL BE SCHEDULED APPROXIMATELY THIRTY DAYS PRIOR TO TRIAL. SIGNED BY JUDGE LEGROME D. DAVIS ON 1/9/03. 1/10/03 ENTERED AND COPIES MAILED AND COPY FAXED BY CHAMBERS ON 1/9/03.(cdd, ) (Entered: 01/10/2003)

02/06/2003	18	PRAECIPE of Appearance by JOHN J. KELLER on behalf of CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN. (ky, ) (Entered: 02/06/2003)
02/06/2003	19	NOTICE of Appearance by W. THOMAS ANTHONY JR. on behalf of CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN. (ky, ) (Entered: 02/06/2003)
04/28/2003	20	Amended Entry of Appearance by W. THOMAS ANTHONY JR. on behalf of JIMI ROSE (er, ) (Entered: 04/28/2003)
04/28/2003	21	Amended Entry of Appearance by JOHN J. KELLER on behalf of JIMI ROSE (er, ) (Entered: 04/28/2003)
05/05/2003	22	MOTION TO EXTEND DISCOVERY, FILED BY JIMI ROSE.(er, ) (Entered: 05/05/2003)
05/09/2003	23	RESPONSE TO PLAINTIFF'S MOTION TO EXTEND DISCOVERY BY DEFENDANTS CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN, CERTIFICATE OF SERVICE. (ky, ) (Entered: 05/09/2003)
05/13/2003	<u>24</u>	ORDER THAT PLAINTIFF'S MOTION TO EXTEND DISCOVERY IS GRANTED. ACCORDIGLY, IT IS FURTHER ORDERED THAT THE SCHEDULING ORDER ISSUED ON 1/9/03 IS AMENDED AS FOLLOWS: ALL DISCOVERY SHALL BE COMPLETED BY 7/7/03; DISPOSITIVE MOTIONS SAHLL BE FILED BY 8/11/03; RESPONSES TO DISPOSITIVE MOTIONS SHALL BE FILED BY 9/8/03, AND A FINAL PRETRIAL CONFERENCE WILL BE SCHEDULED APPROXIMATELY THIRTY DAYS PRIOR TO TRIAL.SIGNED BY JUDGE LEGROME D. DAVIS ON 5/13/03. 5/14/03 ENTERED AND COPY MAILED AND COPIES FAXED BY CHAMBERS ON 5/13/03. (cdd, ) (Entered: 05/14/2003)
06/23/2003	25	MOTION FOR LEAVE TO FILE AMENDED COMPLAINT BY PLAINTIFF JIMI ROSE.(ky, ) (Entered: 06/24/2003)
06/26/2003	26	CERTIFICATE OF SERVICE by JIMI ROSE, mailed true and correct copy of Motion to Leave. (er, ) (Entered: 06/26/2003)
07/08/2003	27	DEFENDANT CITY OF ALLENTOWN AND DEFENDANT ZONING HEARING BOARD OF THE CITY OF ALLENTOWN'S RESPONSE TO MOTION FOR LEAVE TO FILE AMENDED COMPLAINT. (ky, ) (Entered: 07/08/2003)
07/23/2003	<u>28</u>	ORDER THAT PLAINTIFF JAMES ROSE'S MOTION FOR

		LEAVE TO FILE AN AMENDED COMPLAINT IS GRANTED.SIGNED BY JUDGE LEGROME D. DAVIS ON 7/21/03.7/23/03 ENTERED AND COPIES MAILED AND FAXED.(cdd, ) (Entered: 07/23/2003)
08/11/2003	<u>29</u>	AMENDED SCHEDULING ORDER: THE PLFF'S AMENDED COMPLAINT SHALL BE FILED BY 8/21/03. THE DEFTS' ANSWER SHALL BE FILED ON 9/9/03. ALL DISCOVERY SHALL BE COMPLETED BY 11/10/2003. DISPOSITIVE MOTIONS SHALL BE FILED BY 12/10/2003. RESPONSES TO DISPOSITIVE MOTIONS SHALL BE FILED BY 1/12/04. A FINAL PRETRIAL CONFERENCE WILL BE SCHEDULED APPROXIMATELY (30) DAYS PRIOR TO TRIAL. ( SIGNED BY JUDGE LEGROME D. DAVIS ON 8/11/03. ) 8/11/03 ENTERED AND COPIES MAILED AND FAXED.(gn, ) (Entered: 08/11/2003)
08/21/2003	<u>30</u>	AMENDED COMPLAINT against CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN , filed by JIMI ROSE.(er, ) (Entered: 08/21/2003)
08/21/2003	<u>31</u>	CERTIFICATE OF SERVICE by JIMI ROSE re <u>30</u> Amended Complaint (er, ) (Entered: 08/21/2003)
09/09/2003	<u>32</u>	ANSWER to Amended Complaint by CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN. (er, ) (Entered: 09/09/2003)
12/05/2003	<u>33</u>	MOTION FOR SUMMARY JUDGMENT FILED BY CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN MEMORANDUM, CERTIFICATE OF SERVICE. (er, ) (Entered: 12/05/2003)
01/09/2004	<u>34</u>	Withdrawl of Appearance <i>on behalf of the Plaintiff</i> by JIMI ROSE. (KELLER, JOHN) (Entered: 01/09/2004)
01/12/2004	<u>35</u>	MOTION FOR EXTENSION OF TIME TO FILE BRIEF AND RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT FILED BY JIMI ROSE,PROOF OF SERVICE.(er, ) (Entered: 01/12/2004)
01/12/2004	<u>36</u>	ORDER THAT PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF AND RESPOND TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IS GRANTED. PLAINTIFF SHALL RESPOND TO DEFENDANT'S SUMMARY JUDGMENT ON OR BEFORE 2/22/04.SIGNED BY JUDGE LEGROME D. DAVIS ON 1/12/04. 1/12/04 ENTERED AND COPIES MAILED AND FAXED.(cdd, ) (Entered: 01/12/2004)



01/20/2004	37	ORDER THAT PLAINTIFF'S RESPONSE TO THE MOTION FOR SUMMARY JUDGMENT SHALL BE FILED WITH THIS COURT NO LATER THAN 2/6/2004. SIGNED BY JUDGE LEGROME D. DAVIS ON 1/16/2004. 1/20/2004 ENTERED AND COPIES MAILED AND FAXED.(mbh, ) (Entered: 01/20/2004)
01/26/2004	38	MOTION FOR SHORT EXTENSION OF TIME FOR DISCOVERY FILED BY JIMI ROSE,PROOF OF SERVICE.(er, ) (Entered: 01/26/2004)
01/29/2004	39	ANSWER TO MOTION FOR EXTENSION OF DISCOVERY filed by CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN, Certificate of Service. (er, ) (Entered: 01/29/2004)
02/06/2004	40	Answer to Motion for Summary Judgment filed by JIMI ROSE. (er, ) (Entered: 02/09/2004)
02/06/2004	41	Brief in Opposition to Motion for Summary Judgment by JIMI ROSE. (er, ) (Entered: 02/09/2004)
02/06/2004	42	PROOF OF SERVICE by JIMI ROSE Re: served answer and brief in opposition to Motion for Summary Judgment. (er, ) (Entered: 02/09/2004)
02/10/2004	<u>43</u>	MEMORANDUM AND ORDER DENYING [38] MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY. IT IS FURTHER ORDERED THAT PLFF SHALL RESPOND TO DEFTS' MOTION FOR SUMMARY JUDGMENT BY 2/27/04. ( SIGNED BY JUDGE LEGROME D. DAVIS ON 2/10/04.)2/10/04 ENTERED AND COPIES MAILED AND FAXED. (gn, ) (Entered: 02/10/2004)
02/10/2004		Set/Reset Deadlines as to [33] MOTION for Summary Judgment. RESPONSES DUE BY 2/27/2004. (gn, ) (Entered: 02/10/2004)
02/11/2004	44	Reply to Defendants New Matter Contained in Answer to Motion for Extension of Discovery by JIMI ROSE, Certificate of Service. (er, ) (Entered: 02/11/2004)
02/11/2004	45	Praecipe of Withdrawal of Appearance by W. THOMAS ANTHONY JR. on behalf of JIMI ROSE, Proof of Service. (er, ) (Entered: 02/11/2004)
02/17/2004	46	MOTION TO DISMISS DEFENDANTS' CLAIM AS MOOT. FILED BY JIMI ROSE,PROOF OF SERVICE, CERTIFICATE OF SERVICE(er, ) (Entered: 02/18/2004)



02/23/2004	47	Answer to Motion to Dismiss Defendants' Claims as Moot filed by CITY OF ALLENTOWN, ZONING HEARING BOARD OF THE CITY OF ALLENTOWN, Certificate of Service. (er, ) (Entered: 02/23/2004)
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